

REMARKS

Claims 1-16 are pending in the present application. Claims 2, 6, 7, 11, 13 and 14 have been amended. Claims 1 and 10 are independent. Reconsideration of this application, as amended, is respectfully requested.

Acknowledgment of Priority Document

In the Examiner's Office Action dated October 5, 2004, no acknowledgment of the claim for foreign priority under 35 U.S.C. § 119 has been acknowledged by the Examiner. In addition, the Examiner has not acknowledged receipt of the certified copy of the Priority Document No. JP 2000-337033.

As the Examiner will note, the Japanese Priority Document was submitted to the U.S. Patent Office on November 6, 2001. In addition, the Declaration for the present application, which was filed on January 16, 2002 references the Japanese Priority Document.

In view of the above, it is requested that the Examiner acknowledge the Applicants claim for foreign priority and receipt of the Japanese Priority Document.

Double Patenting

Claims 1-16 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of Tabata et al., U.S. Patent No. 6,507,280. This rejection is respectfully traversed.

The Examiner asserts that claims 1-22 of Tabata et al. are of the same scope as claims 1-16 of the present invention. Applicants respectfully submit that the claims of Tabata et al. are not the same scope as the presently claimed invention. Accordingly, the Examiner's obviousness-type double patenting rejection is improper and should be withdrawn.

Referring to claim 1 of the present application, this claim recites "a cable for connecting the communication unit and each of said helmets for enabling communication between individuals wearing each helmet." Applicants respectfully submit that this recitation is not included in claims 1-22 of Tabata et al. Referring to FIG. 2 of Tabata et al. patent, the communication unit 73 is directly connected to the helmet 70 by a connector 10, 20, 30. There is no cable that connects the communication unit in the helmets as recited in independent claim 1 of the present invention. In addition, independent claim 1 recites a connector for connecting the communication unit and the cable." Since there is no cable recited in the claims of the Tabata et al., there is also no connector that connects a communication unit and a cable as recited in independent claim 1. Accordingly, Tabata et al. is deficient for this additional reason.

With regard to independent claim 10 and dependent claims 2-9 and 11-16, Applicants respectfully submit that these claims are not properly rejectable under obviousness-type double patenting for the same reasons mentioned above with regard to independent claim 1, as well as for the additional recitations in these claims.

In view of the above amendments and remarks, Applicants respectfully submit that claims 1-16 are not probably rejectable under obviousness-type double patenting in view of Tabata et al. Accordingly, reconsideration and withdrawal of the Examiner's rejection are respectfully requested.

Rejection Under 35 U.S.C. § 103

Claims 1, 2 and 5-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stafford et al., U.S. Patent No. 5,243,659 in view of Yoshimi, U.S. Patent No. 5,396,563. This rejection is respectfully traversed.

The present invention is directed to a communication system for individuals. Independent claims 1 and 10 recite a combination of elements including "a connector for connecting the communication unit and the cable, said connector being a magnetic connector." Applicants respectfully submit that the references relied on by the Examiner fail to teach or suggest the presently claimed invention.

Referring to the Stafford et al. reference, this reference discloses a pair of helmets that are connected together by wire sets 87 and 89 via a container 88 in which electronic circuits are housed. First, the Examiner asserts that Stafford et al. discloses a connector

for connecting the wire sets 87 and 89 to the container 88. However, Stafford et al. does not disclose a connector for connecting these elements, but only discloses terminals to which the wire sets 87 and 89 are connected. The Stafford et al. reference is silent with regard to the provision of a connector for connecting the wire sets 87 and 89 to the container 88.

In addition, as recognized by the Examiner, the Stafford et al. reference clearly fails to disclose a connector in the form of a magnetic connector that connects the wire sets 87 and 89 to the container 88. However, the Examiner relies on the Yoshimi reference in order to modify Stafford et al. to arrive at the presently claimed invention. Applicants respectfully submit that the Examiner's rejection is improper and should be withdrawn.

Referring to the Yoshimi reference, this reference is silent with regard to a connection between a cable and a communication unit and therefore this reference clearly fails to provide any suggestion to Stafford et al. to connect the wire sets 87 and 89 to the container 88 as would be required to meet the independent claims of the present invention.

In the Examiner's Office Action, the Examiner refers to FIG. 30 and column 12, lines 35-67 and column 13, lines 1-23 of Yoshimi in order to disclose a magnetic connector. First of all, the magnetic element 43 of Yoshimi does not connect the leads 7 to a communication unit as would be necessary to meet the independent claims of the present invention. Furthermore, the cylindrical magnet 43 of Yoshimi does not connect the leads 7 to the exciter 5M or the exciter 5M to the earplug 4. The cylindrical magnet 43 is not even a "connector" as the term "connector" would ordinarily be used in the context of the present

invention. Specifically, referring to FIG. 29 of Yoshimi, the cylindrical magnet 43 which would be within the exciter 5M do not come in contact with the circular vibratory plate 6, which is a part of the earplug 4. Referring to column 13, lines 9-14 of Yoshimi, it is disclosed that the vibratory plate 6 is "magnetically coupled" to the exciter 5M. However, the reference to these elements being magnetically coupled to each other refers to magnetic coupling with regard to the sound which is transmitted from the exciter 5M to the earplug 4 and not mechanical coupling as in the present invention. This can be clearly understood from column 12, lines 55-57 of Yoshimi, which states that the earplug 4 is "held out of contact" with the exciter 5M. In addition, referring to column 13, lines 42-47 of Yoshimi, which is an embodiment of Yoshimi that uses the embodiment of FIGS. 29 and 30 in a helmet, it is stated that the vibratory plate 6 and the exciter 5M are "maintained out of contact with each other, but magnetically coupled to each other for the transmission of reproduced sound."

In view of the above, the coupling disclosed by Yoshimi is with regard to coupling for sound transmission and not mechanical coupling as used in the presently claimed invention. In view of this, there is no suggestion in Yoshimi to use a magnet to connect the wire sets 87 and 89 of Stafford et al. to the container 88 with a magnetic coupling and therefore the modification of Stafford et al. as proposed by the Examiner is improper and should be withdrawn.

With regard to dependent claims 2, 5-9 and 11-16, Applicants respectfully submit that these claims are allowable due to their respective dependence upon allowable independent claims 1 and 10, as well as due to the additional recitations in these claims.

In view of the above amendments and remarks, Applicants respectfully submit that claims 1, 2 and 5-16 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 103 are respectfully requested.

Allowable Subject Matter

Claims 3 and 4 have been indicated by the Examiner as being allowable if rewritten in independent form. Applicants greatly appreciate the indication of allowable subject matter by the Examiner. However, for the above-mentioned reasons, Applicants submit that independent claim 1 is in condition for allowance. Therefore, these claims have not been rewritten in independent form at this time.

CONCLUSION

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of- the-art, no further comments are deemed necessary with respect thereto.

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All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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